

SCHEDULE 1

Article 2

AFFORDABLE WARMTH GROUP ELIGIBILITY

1. The benefits referred to in the definition of affordable warmth group in article 2 are—
 - (a) child tax credit⁽¹⁾ and has a relevant income of £16,010 or less (where “relevant income” has the same meaning as in Part 1 of the Tax Credits Act 2002⁽²⁾);
 - (b) income-related employment and support allowance⁽³⁾ and—
 - (i) receiving a work-related activity or support component; or
 - (ii) is responsible for a qualifying child; or
 - (iii) is in receipt of a qualifying component;
 - (c) income-based job seeker’s allowance⁽⁴⁾ and—
 - (i) is responsible for a qualifying child; or
 - (ii) is in receipt of a qualifying component;
 - (d) income support⁽⁵⁾ and—
 - (i) is responsible for a qualifying child; or
 - (ii) is in receipt of a qualifying component;
 - (e) state pension credit⁽⁶⁾;
 - (f) working tax credit and has a relevant income of £16,010 or less and—
 - (i) is responsible for a qualifying child; or
 - (ii) is in receipt of a disability or severe disability element; or
 - (iii) is aged 60 years or over; or
 - (g) universal credit⁽⁷⁾ and the condition as to earned income in paragraph 4 is met and—
 - (i) is responsible for a child or qualifying young person as determined under regulation 4 of the Universal Credit Regulations 2013⁽⁸⁾; or
 - (ii) has limited capability for work, or limited capability for work and work-related activity, as determined under Part 5 of the Universal Credit Regulations 2013; or
 - (iii) is in receipt of a disability living allowance under section 71 of the Social Security Contributions and Benefits Act 1992⁽⁹⁾; or
 - (iv) is in receipt of a personal independence payment under Part 4 of the Welfare Reform Act 2012⁽¹⁰⁾.

(1) Child tax credit and working tax credit are provided for in Part I of the Tax Credits Act 2002 (c.21).

(2) 2002 c.21. Part I is repealed by section 417 of and Schedule 14 to the Welfare Reform Act 2012 (c.5) but this repeal has not yet come into force.

(3) See Part 1 of the Welfare Reform Act 2007 (c.5). Sections 9 and 5 of and Schedule 7 to the Welfare Reform Act 2009 (c.24) made relevant amendments to Part 1. Section 147 of the Welfare Reform Act 2012 also makes relevant amendments to this Part, but these amendments are in force for certain purposes only.

(4) See section 1(1) and (4) of the Jobseekers Act 1995 (c.18). Section 1(4) was amended by sections 4, 59 and 88 of and Schedules 7 and 13 to the Welfare Reform and Pensions Act 1999 (c.30), and section 245 of and Schedule 24 to the Civil Partnership Act 2004 (c.33). Section 1(4) is also repealed by section 147 of and Schedule 14 to the Welfare Reform Act 2014, but this repeal is in force for certain purposes only.

(5) See section 124 of the Social Security Contributions and Benefits Act 1992 (c.4). Section 124 is repealed by the Welfare Reform Act 2012, but this repeal has not yet come into force.

(6) See section 1(1) of the State Pension Credit Act 2002 (c.16).

(7) Universal credit is provided for in Part 1 of the Welfare Reform Act 2012.

(8) S.I. 2013/376. Regulation 4 was amended by S.I. 2013/1508, regulation 3.

(9) 1992 c.4. Section 71 was amended by section 67 of the Welfare Reform and Pensions Act 1999. Section 71 is repealed by section 90 of the Welfare Reform Act 2012 (c.5), but this repeal has not yet come into force.

(10) 2012 c.5.

Status: This is the original version (as it was originally made).

2. In paragraph 1 “qualifying child” means, in relation to a person in receipt of an allowance in paragraph 1(b) or (c), income support or working tax credit, a child who ordinarily resides with that person and who—

- (a) is under the age of 16; or
- (b) is—
 - (i) 16 or over but under the age of 20; and
 - (ii) in full-time education (other than higher education within the meaning of section 579(1) of the Education Act 1996⁽¹¹⁾) or approved training (as defined in regulation 2 of the Child Tax Credit Regulations 2002⁽¹²⁾).

3. In paragraph 1—

- (a) “qualifying component” means—
 - (i) child tax credit which includes a disability or severe disability element;
 - (ii) a disabled child premium;
 - (iii) a disability premium, enhanced disability premium or severe disability premium; or
 - (iv) a pensioner premium, higher pensioner premium or enhanced pensioner premium;
- (b) whether a person is responsible for a qualifying child is to be determined in accordance with regulation 3 of the Child Tax Credit Regulations 2002⁽¹³⁾.

4.—(1) Where the award of universal credit is—

- (a) to a single claimant, the condition as to earned income is that, in any of the twelve preceding assessment periods, the claimant has received earned income which does not exceed £1,250; or
- (b) to joint claimants, the condition as to earned income is that, in any of the twelve preceding assessment periods, the combined earned income received by the claimants does not exceed £1,250.

(2) In this paragraph—

- (a) “assessment period”;
- (b) “earned income”;
- (c) “joint claimants”; and
- (d) “single claimant”;

are to be interpreted in accordance with the Welfare Reform Act 2012 and any subordinate legislation made under that Act.

⁽¹¹⁾ 1996 c.56.

⁽¹²⁾ S.I. 2002/2007. The definition of “approved training” was inserted by S.I. 2006/222.

⁽¹³⁾ Regulation 3 was amended by S.I. 2004/762, regulation 2, S.I. 2005/2919, article 4, S.I. 2007/2151, regulations 2 and 3, S.I. 2008/2169, regulations 6 and 8, S.I. 2009/697, regulations 9 and 16, S.I. 2011/1740, article 2 and Schedule 1, S.I. 2012/848, regulation 4, S.I. 2013/1465, article 17 and Schedule 1.